

REMARKS/ARGUMENTS

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification. Further, the scope of the claims has not been changed by the amendments to the claims.

Claims 1-20 are pending in the present application. Claims 8, 11-12, and 16 have been amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 101: Claims 8-14

The Examiner has rejected claims 8-14 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter.

Specifically, the Examiner stated that claims 8-14 are directed to non-statutory subject matter because (1) no explicit and deliberate definition is stated in the claims that the claims are directed to a combination of software code and a computer readable medium in which the software is stored, and (2) the specification describes computer readable medium as including transmission-type media.

Claims 8-14 describe an apparatus, not a computer readable medium. Applicants believe the Examiner is referring instead to claims 16-20; therefore, Applicants have responded as if the rejection had been of claims 16-20.

Regarding the portion of the Examiner's rejection as to the claims being directed to software, although claim 16 did implicitly claim the computer program product being stored in a computer readable medium which is not merely software, Applicants have amended claim 16 to describe a computer program product and a computer readable medium in which the computer program product is stored. Claims 16-20 now clearly claim a combination that is not merely software.

Regarding the portion of the Examiner's rejection as to the claims including transmission-type media, Applicants have amended the specification to remove the language that describes transmission-type media.

Since claims 16-20 now provide an explicit statement of a combination of a computer program product and a computer readable medium in which the computer program product is stored, and the specification has been amended to remove the language regarding transmission-type media, Applicants believe the rejection has been overcome and should be withdrawn.

II. 35 U.S.C. § 112, Second Paragraph: Claims 8-14

The Examiner has rejected claims 8-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention.

Specifically, the Examiner stated that there is insufficient antecedent basis for the phrase, in claim 8, lines 3 and 5, "the device driver layer".

Applicants have amended the first limitation of claim 8, starting at line 2, to read:

"a device driver layer for receiving, from at least one application included in an application layer, a request to perform a device access operation on an end device on a bus, the device driver layer including at least one device driver that communicates with the end device utilizing the bus;"

Applicants have amended the third limitation of claim 8, starting at line 6, to read:

"the device driver layer, responsive to the end device not being locked, for locking the end device and performing the device access operation."

Antecedent basis now exists for the phrases in lines 3 and 5. Amended claim 8 is now consistent with pending claims 1 and 16 and, therefore, does not add new matter or change the scope of the claims.

Because the proposed amendments to claim 8 merely make claim 8 consistent with similar, and currently pending, claims 1 and 16, the proposed amendments do not change the scope of the claims and are proper for entry.

The Examiner rejected claim 8 stating that the limitation "at least one device driver" in line 4 of the claim lacks antecedent basis. After the amendments to claim 8 described above are made, the limitation "at least one device driver" is the first occurrence of this limitation and does not lack antecedent basis.

The Examiner rejected claim 11 stating that the limitation "the means for determining" lacked antecedent basis. Applicants have amended claim 11 to describe "the device driver layer for determining". Claim 11 depends from claim 8. Claim 8 describes "the device driver layer for determining". Therefore, the limitation "the device driver layer for determining" in claim 11 does not lack antecedent basis.

The Examiner rejected claim 12 stating that the limitation "the means for locking the end device" lacked antecedent basis. Applicants have amended claim 12 to describe "the device driver layer for locking". Claim 12 depends from claim 8. Claim 8 describes "the device driver layer ... for locking". Therefore, the limitation "the device driver layer for locking" in claim 12 does not lack antecedent basis.

Applicants have amended the claims merely to remove issues on appeal and have not added new subject matter or changed the scope of the claims. Therefore, these amendments are believed to be proper for entry.

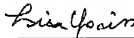
III. Conclusion

It is respectfully urged that this response is proper for entry and that the 35 U.S.C. § 101 and 35 U.S.C. § 112, second paragraph, rejections have been overcome.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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